

AMENDMENTS TO THE DRAWINGS:

The attached sheet includes amendment to Fig. 1. This sheet replaces the original sheet.

A marked copy of amended Fig. 1 is also enclosed.

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REMARKS

Fig. 1 has been amended to obviate the objection under 37 CFR 1.84(p)(5).

Turning to the rejections under 35 USC §112, and considering first the rejection of claims 3 and 4 under 35 USC §112, first paragraph, the Viterbi decoder and the Viterbi algorithm are well known in the art as seen from the attached pages from Wikipedia. Accordingly, reconsideration of the rejection of claims 3 and 4 under 35 USC §112 are respectfully requested.

Turning to the rejection of claims 3 and 4 under 35 USC §112, second paragraph, claim 3 has been amended along the lines suggested by the Examiner in the second paragraph under cipher 7 of the Action. As to the third paragraph under cipher 7 of the Action, it is submitted that the language is clear.

As to the fourth paragraph under cipher 7 of the Action, claim 3 has been amended to better tie to claim 1.

Turning to the art rejections, and considering first the rejection of claims 1, 3, 5, 6, 8 and 10 as anticipated by Fujiwara, dependent claim 1 has been amended to incorporate the limitations of claim 2, namely that the number of samples of waveform data is 3000 or more. Independent claims 8 and 10 have been similarly amended. On this basis alone, claims 1, 3, 5, 6, 8 and 10 cannot be said to be anticipated by Fujiwara.

Turning to the rejection of claims 2, 9 and 11 as obvious from Fujiwara, the Examiner acknowledges that Fujiwara fails to explicitly teach the number of samples of waveform data used, but takes the position that it is obvious. It is submitted, however, that selecting the number of samples is far from obvious as demonstrated by Applicants' sworn specification which shows, unexpectedly, error rates stay essentially the same with 3000 or more samples.

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(See Figs. 4-6). Thus, it is submitted that the selection of 3000 or more samples is more than merely a matter of choice would not have been obvious to one of ordinary skill in the art. Accordingly, claim 1, which has been amended to incorporate the limitations of claim 2, and claims 9 and 11, which have been similarly amended cannot be said to be obvious from Fujiwara.

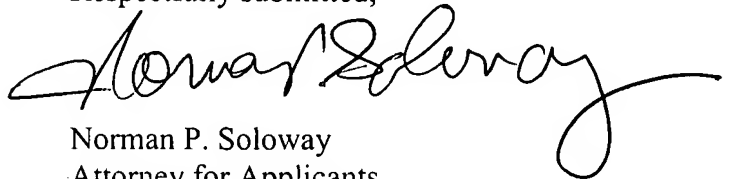
Turning to the rejection of claim 4, as obvious from Miyashita et al., claim 4 is indirectly dependent on claim 1. The deficiencies of the primary reference Fujiwara vis-à-vis claim 4 are discussed above. It is not seen that Miyashita et al. supplies the missing teachings to Fujiwara to achieve or render obvious claim 1. Accordingly, claim 4 is allowable for the same reasons as above adduced relative to claim 1, as well as for its own additional limitations.

Similar comments apply to the rejection of claim 7 as obvious from Fujiwara in view of Akiyama et al.

Having dealt with all the objections raised by the Examiner, the application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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By Sharon McKnight

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MARKED COPY OF AMENDED DRAWINGS

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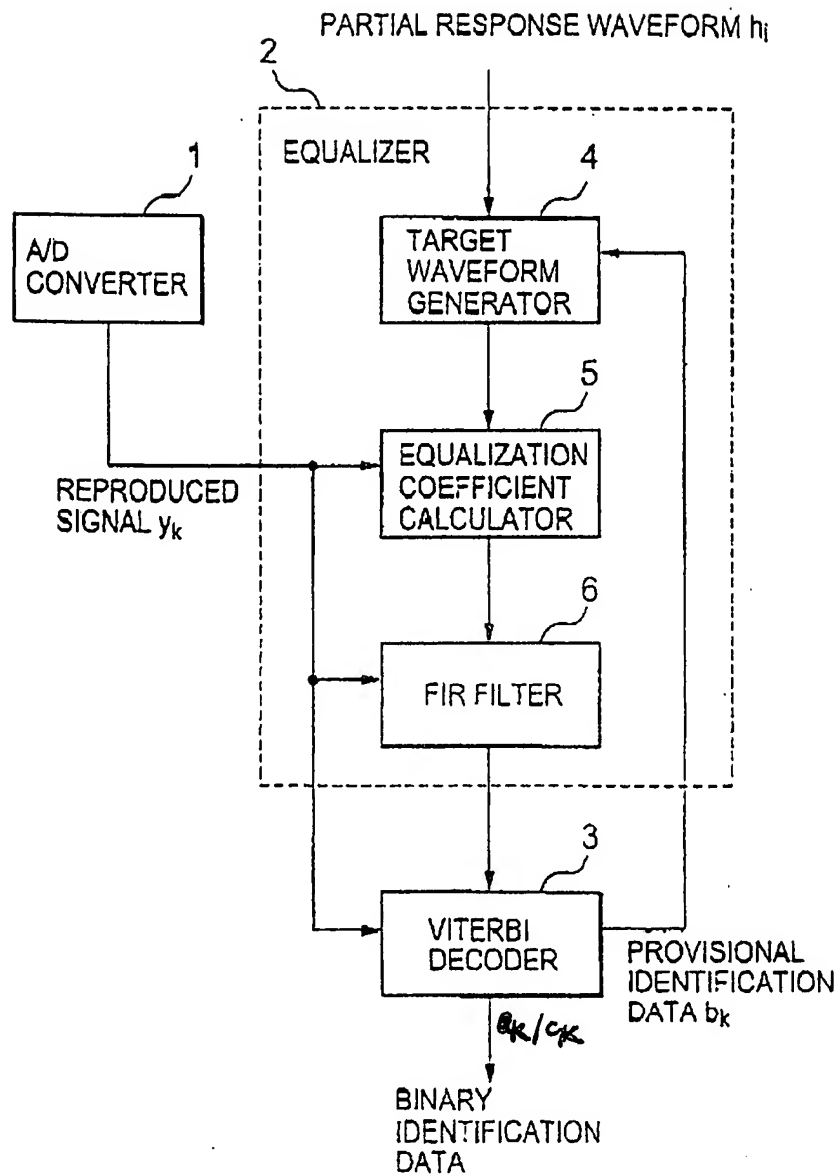


FIG. 1

REPLACEMENT DRAWINGS

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